

### **REMARKS**

Claims 2-11, 13 and 15-17 are pending. The claims have been amended for clarity as suggested by the Examiner. Support is found throughout the specification. No new matter is added.

Applicants appreciate that claims 6 and 8-9 are indicated as allowed on p.18 of the Office Action.

**Claims 2-5, 7, 10-11 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, page 2) Claims 10-11 and 13 are rejected because their dependency upon claim 7. (Office Action, page 2)**

Claims are amended as suggested by the Examiner making this rejection now moot.

**Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al (20040012980), hereinafter Sugiura, in view of Kido et al (20030189401), hereinafter Kido. (Office Action, page 5)**

The claimed invention is structurally different from the invention now claimed for the following reasons:

In instant claim 2 (FIG. 2), a first electrode (1) is an optically-transparent electrode and mounted on an optically-transparent substrate (10), while a second electrode (2) is a light-scattering and light-reflective electrode.

In the device of Sugiura (FIGS. 1-3), an electrode mounted on a substrate 1 is not an optically-transparent electrode but a reflective electrode 2, while the other electrode is not a light-scattering and light-reflective electrode but a transparent electrode 5.

Thus, Sugiura fails to teach all structure limitations of the invention.

Accordingly, if a plurality of emission layers taught by Kido is provided in the device of Sugiura, the combination of Sugiura and Kido still does not meet the structure limitations including the light-scattering and light-reflective electrode as an aspect of the invention.

In instant claim 3 (FIG. 3), a first electrode (1) is an optically-transparent electrode and mounted on an optically-transparent substrate (10), a second electrode (2) is mounted on the

emission layers, and a light-scattering and light-reflective element is provided on the second electrode (2)

In the device of Sugiura (FIG. 5), an optically-transparent electrode is not mounted on a substrate 1, while a light-scattering and light-reflective element is not mounted on a transparent electrode 5 which is mounted on a light-emitting layer 4.

Thus, Sugiura fails to teach the aforementioned structure limitations of the invention.

Accordingly, if a plurality of emission layers taught by Kido is provided in the device of Sugiura, the combination of Sugiura and Kido still does not meet the structure limitations including the light-scattering and light-reflective element on the second electrode as an aspect of the invention.

In instant claim 4 (FIG. 6), a first electrode (1) is a light-scattering and optically-transparent electrode and mounted on an optically-transparent substrate (10), while a second electrode (2) is a light-reflective electrode.

In the device of Sugiura (FIG. 6), an electrode mounted on a substrate 1 is not a light-scattering and optically-transparent electrode but a reflective electrode 2, while the other electrode is not a light-reflective electrode but a transparent electrode 5 with a light-scattering surface 16.

Thus, Sugiura fails to teach all structure limitations of the invention.

Accordingly, if a plurality of emission layers taught by Kido is provided in the device of Sugiura, the combination of Sugiura and Kido still does not meet the structure limitations including the light-scattering and optically-transparent electrode mounted on the optically-transparent substrate as an aspect of the invention.

In instant claim 5 (FIG. 7), a light-scattering and optically-transparent element (7) is provided on an optically-transparent substrate (10), a first electrode (1) is an optically-transparent electrode mount on the element (7), and a second electrode (2) is a light-reflective electrode.

In the device of Sugiura (FIG. 6), a light-scattering and optically-transparent element is not provided on a substrate (10), an electrode mounted on the substrate 1 is not an optically-

transparent electrode but a reflective electrode 2, and the other electrode is not a light-reflective electrode but a transparent electrode 5 with a light-scattering surface 16.

Thus, Sugiura fails to teach all structure limitations of the invention.

Accordingly, if a plurality of emission layers taught by Kido is provided in the device of Sugiura, the combination of Sugiura and Kido still does not meet the structure limitations including the light-scattering and optically-transparent element (7) provided on the optically-transparent substrate (10) as an aspect of the invention.

For at least these reasons, the combination of references does not make the claimed invention *prima facie* obvious. It is respectfully requested that the rejection be reconsidered and withdrawn.

**Claims 7, 10-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senbonmatsu (20030102801), Senbonmatsu hereinafter, in view of Kido et al (20030189401), hereinafter Kido.** (Office Action, page 9)

The rejections admits on p.10 that Senbonmatsu fails to disclose a plurality of emission layers and therefore combines the reference with Kido, for the same reasons as the combination of Sugiura and Kido.

In instant claim 7 (FIG. 9) and claims dependant thereon, an optical spacer (11) is provided on a second electrode (2) provided on emission layers, a light reflective element (8) is provided on the optical spacer (11), and a distance between the light reflective element (8) and the emission layers is in the range of 1 $\mu$ m to 1mm by means of the optical spacer (11).

In the device of Senbonmatsu (FIG. 18, Table 5), an element provided on an insulating layer 108 is not a light reflective element but a semi-transmission reflecting layer 154. Accordingly, the device of Senbonmatsu cannot totally reflect the light from an organic EL layer 110.

Thus, the basic structure of the device of Senbonmatsu completely differs from that of the invention.

In addition, because a substrate 102 is not provided on a transparent cathode layer 115, the substrate 102 does not correspond to the spacer (11) of the invention but the insulating layer 108 can correspond to the optical spacer (11). However, a distance between the semi-transmission reflecting layer 154 and an organic EL layer 110 is in the range of 100-200nm,

namely 0.1-0.2 $\mu$ m and accordingly the insulating layer 108 is different from the optical spacer (11) of the invention.

Therefore, if a plurality of emission layers taught by Kido is provided in the device of Senbonmatsu, the combination of Senbonmatsu and Kido still fails to teach structure limitations of the invention.

It is respectfully requested that the rejection be reconsidered and withdrawn.

**Claims 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senbonmatsu (20030102801), Senbonmatsu hereinafter, in view of Kido et al (20030189401), hereinafter Kido, and further in view of Tyan et al (20040061136), hereinafter Tyan. (Office Action, page 15)**

The rejection admits that the combination of Senbonmatsu and Kido fail to exemplify that the light reflective element is a multilayered film of a dielectric.

Senbonmatsu discloses a lighting device, but the device does not have the problem of the present invention (change of luminescent brightness and luminescent color). See page 2, lines 16-21 in the specification of the present application.

That is, the device has an optical interference phenomenon but has little influence of the interference. Because the light emitted from the through hole 4 has an angle within 0.37° owing to a through hole 4 of 10 $\mu$ m.

In short, the structure of the device differs from that of the claimed invention. Thus, it is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

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Respectfully submitted,

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